

**LEGISLATIVE SERVICES AGENCY
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FISCAL IMPACT STATEMENT

LS 6970

BILL NUMBER: HB 1335

NOTE PREPARED: Feb 1, 2010

BILL AMENDED: Feb 1, 2010

SUBJECT: Rights of Publicity.

FIRST AUTHOR: Rep. Bardon

FIRST SPONSOR:

BILL STATUS: 2nd Reading - 1st House

FUNDS AFFECTED: X GENERAL
DEDICATED
FEDERAL

IMPACT: State

Summary of Legislation: (Amended) This bill provides that, for purposes of the law concerning rights of publicity: (1) to codify the common law in existence before July 1, 1994, the law applies to a cause of action commenced after June 30, 1994, regardless of when the cause of action arose; (2) if a personality died testate before July 1, 1994, the rights recognized under the law are deemed to be in the possession of the current holder of the interests of the beneficiary of the residuary clause of the testamentary instrument as if the rights had been distributed according to the testamentary instrument and transferred according to the rights of publicity and, if a personality died intestate before July 1, 1994, the rights recognized under the law are deemed to be in the possession of the current holder of the interests as if the estate had been distributed according to the law where the estate was probated and transferred according to the rights of publicity; and (3) if a testamentary instrument does not contain an express transfer of the deceased personality's rights of publicity, a provision in the testamentary instrument that provides for the disposition of the residue of the deceased personality's assets is effective to transfer the rights recognized under the law in accordance with the terms of the provision.

The bill makes other changes concerning the transferability and descendibility of rights of publicity.

The bill also establishes the Interim Study Committee on Rights of Publicity to study issues related to the law concerning rights of publicity, including issues related to a personality's domicile and residence.

Effective Date: July 1, 2010.

Explanation of State Expenditures: (Revised) This bill establishes the Interim Study Committee on Rights of Publicity. The Committee is to operate under the policies governing study committees adopted by the

Legislative Council, and will study issues related to the law concerning rights of publicity. The bill does not address committee membership. Legislative Council resolutions in the past have established budgets for interim study committees in the amount of \$9,500 per interim for committees with fewer than 16 members, and \$16,500 per interim for committees with 16 members or more.

Explanation of State Revenues:

Explanation of Local Expenditures:

Explanation of Local Revenues:

State Agencies Affected: Legislative Services Agency.

Local Agencies Affected:

Information Sources:

Fiscal Analyst: Jessica Harmon, 317-232-9854.